

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2006 Legislative Session

**Legislative Day No. 13
October 3, 2006**

HOWARD COUNTY TO WIT:

The Chairman called the session to order at 7:27 p.m.

Christopher Merdon, Chairman; Calvin Ball, Council Member; Charles Feaga, Council Member; Guy Guzzone, Council Member; and Ken Ulman, Council Member, were present.

Sheila Tolliver; Administrator to the County Council; Jennifer Sager, Legislative Coordinator; and Barbara Cook, County Solicitor, were also present.

APPROVE JOURNAL

The Chairman moved to adopt the journal for Legislative Day No.12, September 5, 2006. His motion was seconded by Mr. Ulman.

The roll call vote called by the Chairman to approve the journal was: Yea: Council Members Merdon, Ball, Feaga, Guzzone, and Ulman.

The journal was approved.

INTRODUCTION OF LEGISLATION

The following legislation is introduced by the Chairman at the request of the County Executive unless otherwise noted:

Appointments

Council Resolution No. 127-2006 – Confirming the appointment of Harry Evans, III to the Alcoholic Beverage Hearing Board

A RESOLUTION confirming the appointment of Harry Evans, III to the Alcoholic Beverage Hearing Board.

Council Resolution No. 128-2006 – Confirming the appointment of Cabell Greenwood to the Planning Board

A RESOLUTION confirming the appointment of Cabell Greenwood to the Planning Board.

Council Resolution No. 129-2006 – Confirming the appointment of Charles A. Gueli to the Housing and Community Development Board

A RESOLUTION confirming the appointment of Charles A. Gueli to the Housing and Community Development Board.

Council Resolution No. 130-2006 – Confirming the appointment of Sandra Holt to the Human Rights Commission

A RESOLUTION confirming the appointment of Sandra Holt to the Human Rights Commission.

Council Resolution No. 131-2006 – Confirming the appointment of Cindy Knowlton to the Howard County Animal Matters Hearing Board

A RESOLUTION confirming the appointment of Cindy Knowlton to the Howard County Animal Matters Hearing Board.

Council Resolution No. 132-2006 – Confirming the appointment of Gerald M. Richman to the Cable Advisory Committee.

A RESOLUTION confirming the appointment of Gerald M. Richman to the Cable Advisory Committee.

Council Resolution No. 133-2006 – Confirming the reappointment of Sabina Taj to the Commission for Women.

A RESOLUTION confirming the reappointment of Sabina Taj to the Commission for Women.

Council Resolution No. 134-2006 -Confirming the reappointment of Norman L. Wines to the Fire and Rescue Services Board.

A RESOLUTION confirming the reappointment of Norman L. Wines to the Fire and Rescue Services Board.

Financial

Supplementary Budget & Appropriation Ordinance No. 2-Fiscal 2007 - Transferring \$146,840 from the Grant Fund Contingency to the Department of Police for a grant to fund the creation and development of a Domestic Violence Section within the Department of Police

AN ACT transferring \$146,840 from the Grant Fund Contingency to the Department of Police for a grant to fund the creation and development of a Domestic Violence Section within the Department of Police.

Supplementary Budget & Appropriation Ordinance No. 3-Fiscal 2007 – Transferring \$10,640 from the General Fund Contingency to the Tourism Council to fund improved employee benefits

AN ACT transferring \$10,640 from the General Fund Contingency to the Tourism Council to fund improved employee benefits.

Supplementary Budget & Appropriation Ordinance No. 4-Fiscal 2007 – Transferring \$14,000 from the Grant Fund Contingency to the Department of Public Works for the Tree Buffer Program

AN ACT transferring \$14,000 from the Grant Fund Contingency to the Department of Public Works for the Tree Buffer Program.

Transfer of Appropriation Ordinance No. 3-Fiscal 2007 – Transferring \$2,300,000 in bond funding to Capital Project F-5965, New Firestation 3 (West Friendship Firestation), from Capital Project F-5551, Banneker Firestation Redevelopment

AN ACT transferring \$2,300,000 in bond funding to Capital Project F-5965, New Firestation 3 (West Friendship Firestation), from Capital Project F-5551, Banneker Firestation Redevelopment.

Council Resolution No. 126-2006 – Approving certain transfers between capital projects in the Board of Education capital budget, including the transfer of \$2,000,000 in education excise tax backed bond funding and \$1,000,000 in general bond funding from capital project E-1003, ARL Space Reconfiguration/Classrms, to capital project E-0980, Systemic Renovations

A RESOLUTION approving certain transfers between capital projects in the Board of Education capital budget, including the transfer of \$2,000,000 in education excise tax backed bond funding and \$1,000,000 in general bond funding from capital project E-1003, ARL Space Reconfiguration/Classrms, to capital project E-0980, Systemic Renovations.

Council Bill No. 76-2006 – To authorize and empower Howard County, Maryland, to borrow up to \$5,300,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Projects Nos. E-0980 (Systemic Renovations) and F-5965 (New Firestation 3) and costs of issuance of such bonds; authorizing and empowering the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations

AN ACT to authorize and empower Howard County, Maryland, to borrow up to \$5,300,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Projects Nos. E-0980 (Systemic Renovations) and F-5965 (New Firestation 3) and costs of issuance of such bonds; authorizing and empowering the County to issue bond

anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

General

Council Bill No. 79-2006 – Introduced by Guy Guzzone - Amending the Howard County Code to require a special election to fill certain vacancies on the County Council of Howard County.

AN ACT amending the Howard County Code to require a special election to fill certain vacancies on the County Council of Howard County.

Council Bill No. 80-2006 – Adopting certain national codes as the Howard County Property Maintenance Code for Rental Housing; adopting local amendments; making certain technical corrections to rental housing licensing provisions; amending certain rental housing licensing provisions to ensure consistency with the Howard County Property Maintenance Code for Rental Housing

AN ACT adopting certain national codes as the Howard County Property Maintenance Code for Rental Housing; adopting local amendments; making certain technical corrections to rental housing licensing provisions; amending certain rental housing licensing provisions to ensure consistency with the Howard County Property Maintenance Code for Rental Housing; and generally relating to the Howard County Property Maintenance Code for Rental Housing.

Council Bill No. 81-2006 – AN ACT adding certain requirements for on-site sewage disposal systems and individual potable water supply systems to the Howard County Code; defining certain terms; requiring certain permits; setting forth certain design and construction requirements and certain percolation test requirements; setting forth the administration and enforcement of these provisions; providing a right of entry to the Health Department; setting forth certain penalties

AN ACT adding certain requirements for on-site sewage disposal systems and individual potable water supply systems to the Howard County Code; defining certain terms; requiring certain permits; setting forth certain design and construction requirements and certain percolation test requirements; setting forth the administration and enforcement of these provisions; providing a right of entry to the Health Department; setting forth certain penalties; and generally relating to on-site sewage disposal systems and potable water supply systems in Howard County.

Council Bill No. 82-2006 - Amending the approved Capital Budget for Fiscal Year 2007 to add reference to certain improvements in Capital Project T-7092, State/County Shared Intersections

AN ACT amending the approved Capital Budget for Fiscal Year 2007 to add reference to certain improvements in Capital Project T-7092, State/County Shared Intersections.

Council Bill No. 83-2006 – Removing certain nomination requirements for the director of fire and rescue services and generally relating to the Howard County department of fire and rescue services.

AN ACT removing certain nomination requirements for the director of fire and rescue services and generally relating to the Howard County department of fire and rescue services.

Council Bill No. 77-2006 – Approving, in accordance with Section 612 of the Howard County Charter, a 25 year lease of approximately 7.369 acres of land and improvements located at 350 West Friendship Road, Sykesville, Howard County, Maryland by and between Howard County, Maryland and the Town of Sykesville under the terms of which the County agrees to pay certain costs for the planning and studying of certain renovations; authorizing the County Executive to execute and deliver the lease on behalf of the County, and generally relating to the approval, authorization, execution, and delivery of a multi-year lease of certain premises owned by Howard County to the Town of Sykesville.

AN ACT approving, in accordance with Section 612 of the Howard County Charter, a 25 year lease of approximately 7.369 acres of land and improvements located at 350 West Friendship Road, Sykesville, Howard County, Maryland by and between Howard County, Maryland and the Town of Sykesville under the terms of which the County agrees to pay certain costs for the planning and studying of certain renovations; authorizing the County Executive to execute and deliver the lease on behalf of the County, and generally relating to the approval, authorization, execution, and delivery of a multi-year lease of certain premises owned by Howard County to the Town of Sykesville.

Council Bill No. 78-2006 – Approving, in accordance with Section 612 of the Howard County Charter, a 10-year lease with renewals of approximately 12.652 acres of land and improvements located at 8510 High Ridge Road, Ellicott City, Howard County, Maryland by and between Howard County Arts Council, Inc. and Howard County, Maryland under the terms of which the County agrees to pay certain maintenance costs associated with the premises, authorizing the County Executive to execute and deliver the lease on behalf of the County, and generally relating to the approval, authorization, execution, and delivery of a multi-year lease of certain premises owned by Howard County to the Howard County Arts Council

AN ACT approving, in accordance with Section 612 of the Howard County Charter, a 10-year lease with renewals of approximately 12.652 acres of land and improvements located at 8510 High Ridge Road, Ellicott City, Howard County, Maryland by and between Howard County Arts Council, Inc. and Howard County, Maryland under the terms of which the County agrees to pay certain maintenance costs associated with the premises, authorizing the County Executive to execute and deliver the lease on behalf of the County, and generally relating to the approval, authorization, execution, and delivery of a multi-year lease of certain premises owned by Howard County to the Howard County Arts Council.

Council Resolution No. 135-2006 – Introduced by Ken Ulman, Councilman/Co-Sponsored by Christopher J. Merdon, Councilman – Approving an Amendment to the Howard County Inventory of Scenic Roads which adds a portion of Governor Warfield Parkway to the inventory

A RESOLUTION approving an Amendment to the Howard County Inventory of Scenic Roads which adds a portion of Governor Warfield Parkway to the inventory.

Council Resolution No. 136-2006 - Adopting a comprehensive revision of Volume III (Roads and Bridges) of the Design Manual in order to revise the standards and specifications relating to the design and construction of roads and highways in Howard County

A RESOLUTION adopting a comprehensive revision of Volume III (Roads and Bridges) of the Design Manual in order to revise the standards and specifications relating to the design and construction of roads and highways in Howard County.

Council Resolution No. 137-2006 – Pursuant to Section 4.201 of the Howard County Code declaring that certain improved real property located at 350 West Friendship Road, Sykesville, Howard County, Maryland and owned by Howard County is no longer needed by the County for public purposes; authorizing the County Executive to enter into a long-term Cooperative Agreement and Lease with The Town of Sykesville; and providing that the County Executive is not bound to lease the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration

A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that certain improved real property located at 350 West Friendship Road, Sykesville, Howard County, Maryland and owned by Howard County is no longer needed by the County for public purposes; authorizing the County Executive to enter into a long-term Cooperative Agreement and Lease with The Town of Sykesville; and providing that the County Executive is not bound to lease the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration.

Council Resolution No. 138-2006 – Pursuant to Section 4.201 of the Howard County Code declaring that certain improved real property located at 8510 High Ridge Road, Ellicott City, Maryland, Howard County, Maryland and owned by Howard County is no longer needed by the County for public purposes; authorizing the County Executive to enter into a long-term lease of the property with Howard County Arts Council, Inc.; and providing that the County Executive is not bound to lease the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration

A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that certain improved real property located at 8510 High Ridge Road, Ellicott City, Maryland, Howard County, Maryland and owned by Howard County is no longer needed by the County for public purposes; authorizing the County Executive to enter into a long-term lease of the property with Howard County Arts Council, Inc.; and providing that the County Executive is not bound to lease the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration.

Council Resolution No. 139-2006 – Authorizing and directing the Howard County Office of Law to institute condemnation proceedings in the Circuit Court of Howard County, Maryland for the acquisition of a fee simple area containing 0.015 acres and a sewer and utility easement containing 0.073 acres, being a portion of Parcel 112, Block 21, Tax Map 43 which is necessary for the construction of Capital Project No. J-4148, Dorsey Run Road Extension

A RESOLUTION authorizing and directing the Howard County Office of Law to institute condemnation proceedings in the Circuit Court of Howard County, Maryland for the acquisition of a fee simple area containing 0.015 acres and a sewer and utility easement containing 0.073 acres, being a portion of Parcel 112, Block 21, Tax Map 43 which is necessary for the construction of Capital Project No. J-4148, Dorsey Run Road Extension.

Council Resolution No. 140-2006 – Approving an amendment to the Howard County Master Plan for Water and Sewerage, consisting of text, tables, and maps incorporating various revisions, including:

1. Revision of the priority designations assigned in the Master Plan to certain private development projects; and
2. Update of the water and sewer facilities maps to reflect changes in the Metropolitan District.

A RESOLUTION approving an amendment to the Howard County Master Plan for Water and Sewerage, consisting of text, tables, and maps incorporating various revisions, including:

1. Revision of the priority designations assigned in the Master Plan to certain private development projects; and
2. Update of the water and sewer facilities maps to reflect changes in the Metropolitan District.

Council Resolution No. 141-2006 – Authorizing the County Purchasing Agent to waive the formal competitive bidding requirements of Title 4, Subtitle 1 of the Howard County Code in order to enter into a contract with Highland Crossing LLC, a Maryland limited liability company, to authorize certain cost sharing

A RESOLUTION authorizing the County Purchasing Agent to waive the formal competitive bidding requirements of Title 4, Subtitle 1 of the Howard County Code in order to enter into a contract with Highland Crossing LLC, a Maryland limited liability company, to authorize certain cost sharing.

Council Resolution No. 142-2006 - Declaring that it is in the interest of the public health, safety, and welfare of the citizens of Howard County to accept the dedication of portion of the streets known as Grover Place and Hill Street (sixty (60) feet in width) abutting lots 21, 22, and 23 in block 5 and lots 18, 19, 20, 21, and 22 in block 6; to reject the offer of dedication of Hill Street (sixty (60) feet in width) abutting lots 1 through 6 in block 4 and lots 10 and 22 (along Hill Street only) in block 6 as shown on the Plat of North Laurel; and to accept the relocation of Hill Street through lots 9 and 19 in block 6 of the subdivision plat entitled "Property of North Laurel Park Company" recorded among the land records of Howard County, Maryland at liber 61, folio 470 in 1894

A RESOLUTION declaring that it is in the interest of the public health, safety, and welfare of the citizens of Howard County to accept the dedication of portion of the streets known as Grover Place and Hill Street (sixty (60) feet in width) abutting lots 21, 22, and 23 in block 5 and lots 18, 19, 20, 21, and 22 in block 6; to reject the offer of dedication of Hill Street (sixty (60) feet in width) abutting lots 1 through 6 in block 4 and lots 10 and 22 (along Hill Street only) in block 6 as shown on the Plat of North Laurel; and to accept the relocation of Hill Street through lots 9 and 19 in block 6 of the subdivision plat entitled "Property of North Laurel Park Company" recorded among the land records of Howard County, Maryland at liber 61, folio 470 in 1894.

Council Resolution No. 143-2006 – Declaring that it is in the interest of the public health, safety, and welfare of the citizens of Howard County to accept the dedication of a portion of Forrest Avenue abutting lots 677 through 726 which is from the existing paved terminus at Highland Avenue to its western most point as shown on the plat entitled "Plat of Har-wood" recorded among the Land Records of Howard County, Maryland at liber 60, folio 155 in 1893

A RESOLUTION declaring that it is in the interest of the public health, safety, and welfare of the citizens of Howard County to accept the dedication of a portion of Forrest Avenue abutting lots 677 through 726 which is from the existing paved terminus at Highland Avenue to its western most point as shown on the plat entitled "Plat of Har-wood" recorded among the Land Records of Howard County, Maryland at liber 60, folio 155 in 1893.

Council Resolution No. 144-2006 -Pursuant to Section 5-301 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education's Capital Budget Request for Fiscal Year 2008 and Capital Improvement Program Request for Fiscal Years 2009-2013 for the purpose of submission to the Interagency Committee on School Construction.

A RESOLUTION pursuant to Section 5-301 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education's Capital Budget Request for Fiscal Year 2008 and Capital Improvement Program Request for Fiscal Years 2009-2013 for the purpose of submission to the Interagency Committee on School Construction.

FINAL CONSIDERATION

The Chairman moved to remove Council Bill No. 95-2006 from the table and include it on the consent agenda. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the motion was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

The motion to remove Council Bill No. 95-2006 from the table and include it on the consent agenda passed.

The Chairman moved to remove Council Bill No. 74-2006 from the consent agenda so that an amendment may be offered. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the motion was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

The motion to remove Council Bill No. 74-2006 from the consent agenda passed.

The Chairman moved to adopt the following legislation:

Consent Agenda

Council Resolution No. 95-2006 –Confirming the appointment of Carol A. Beatty to the Howard County Local Children’s Board. *(Tabled 7/31/06)*

Council Resolution No. 113-2006 – Confirming the appointment of Steve Alms to the Howard County Revenue Authority

Council Resolution No. 114-2006 – Confirming the appointment of Keischa Glenn, M.D. to the Commission on Aging

Council Resolution No. 115-2006 – Confirming the appointment of Michael J. Jack to the Howard County Revenue Authority

Council Resolution No 116-2006 – Confirming the appointment of Irfan Malik to the Howard County Revenue Authority

Council Resolution No. 117-2006 – Confirming the appointment of Debora Plunkett to the Howard County Revenue Authority

Council Resolution No. 118-2006 – Confirming the appointment of Edward L. Waddell to the Howard County Revenue Authority

Council Resolution No. 119-2006 - Confirming the reappointment of Patrick J. Clancy to the Housing Commission

Council Resolution No. 120-2006 – Confirming the reappointment of Gayle M. Fink to the Public Ethics Commission

Council Resolution No. 121-2006 – Confirming the reappointment of Roger W. Hawkesworth, Jr. to the Cable Advisory Committee

Council Resolution No. 112-2006 - Introduced by The Chairman - Calling the County Council of Howard County, Maryland into legislative session on October 30, 2006

Council Resolution No. 124-2006 – Endorsing the provision of financing by the State Department of Business and Economic Development for one economic development project in Howard County and certifying that the project is consistent with the County's plan for economic development

Council Resolution No. 125-2006 - Endorsing the designation of another Community Legacy Area in Howard County and the creation of a Community Legacy Project in the Area; and supporting a request for financing of the Project in the form of a grant or loan from the State

Council Bill No. 71-2006 - Amending the Howard County Retirement Plan to incorporate changes required by recent Department of Labor Regulations that eliminate certain limits for military service

Council Bill No. 72-2006 - Amending the Howard County Police and Fire Employee's Retirement Plan to incorporate changes required by recent Department of Labor Regulations that eliminate certain limits for military service; changing the calculation of sick leave credits for Fire Management Employees; amending certain definitions; adding certain definitions; making certain technical corrections

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the consent items was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolutions No. 95-2006, No. 113-2006, No. 114-2006, No. 115-2006, No. 116-2006, No. 117-2006, No. 118-2006, No. 119-2006, No. 120-2006, No. 121-2006, No. 112-2006, No. 124-2006, No. 125-2006 and Council Bills No. 71-2006 and No. 72-2006 passed.

Financial

Transfer of Appropriation Ordinance No. 1-Fiscal 2007 – Transferring a total of \$700,000 to Capital Project N-3107, Rockburn Branch Park, from Capital Project N-3108, Park Systemic Improvements, in order to complete certain park improvements

The Chairman moved to adopt Transfer of Appropriation Ordinance No. 1-Fiscal 2007. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the ordinance was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Transfer of Appropriation Ordinance 1-Fiscal 2007 passed.

Transfer of Appropriation Ordinance No. 2-Fiscal 2007 – Transferring to Capital Project C-0306, Grassroots Renovations, \$1,868,500 in Pay-Go funding from Capital Project S-6259, Lisbon Community Sewerage, and \$950,000 in State Grant funding from Capital Project C-0214, Category Contingency Fund; and transferring \$2,818,500 in Other funding from Capital Project C-0306, Grassroots Renovations, to Capital Project C-0214, Category Contingency Fund

The Chairman moved to adopt Transfer of Appropriation Ordinance 2-Fiscal 2007. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Transfer of Appropriation Ordinance No. 2-Fiscal 2007 as follows:

(This amendment rounds the dollar amounts to the nearest thousand because the County's computerized budget system does not account for numbers in the hundreds.)

In each of the following instances, strike "\$1,868,500" and substitute "\$1,869,000":

In the title;

On page 1, in line 3;

On page 1, in line 27; and

On page 2, in line 3.

In each of the following instances, strike "\$2,818,500" and substitute "\$2,819,000":

In the title;

On page 1, in line 7;

On page 2, in line 4; and

On page 2, in line 10.

On page 1, in line 28, strike "\$1,771,500" and substitute "\$1,771,000".

On page 2, in line 11, strike "\$5,639,500" and substitute "\$5,640,000".

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Transfer of Appropriation Ordinance 2-Fiscal 2007 passed.

The roll call vote called by the Chairman on the ordinance as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Transfer of Appropriation Ordinance 2-Fiscal 2007 passed as amended.

Council Bill No. 64-2006 – Amending the approved Capital Budget for Fiscal Year 2007 to change a funding source for Capital Project G-0163, Agricultural Land Preservation Program

The Chairman moved to adopt Council Bill No. 64-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the bill was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Bill No. 64-2006 passed.

Council Bill No. 65-2006 - To authorize and empower Howard County, Maryland, to enter into installment purchase agreements to acquire development rights in agricultural lands located within the County (Project No. G-0163), for an aggregate purchase price of not more than \$24,000,000, plus interest thereon

The Chairman moved to adopt Council Bill No. 65-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the bill was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Bill No. 65-2006 passed.

Council Resolution No. 109-2006 - Adopted pursuant to the Maryland Economic Development Revenue Bond Act providing for the consent by Howard County, Maryland to (1) the transfer of the 215-unit residential rental housing facility located in Columbia, Maryland known as the “Southgate Crossing Apartments,” by Shelter Housing Partners II Limited Partnership to AvalonBay Communities, Inc. (the "Purchaser"), the costs of which facility were refinanced with the proceeds of the County's Multi-family Housing Revenue Refunding Bonds (Broken Land Parkway Project), Series 1997, and (2) the assumption by the Purchaser of the borrower's obligations under the related Amended and Restated Issuer Regulatory Agreement

The Chairman moved to adopt Council Resolution No. 109-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the resolution was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 109-2006 passed.

General

Council Bill No. 66-2006 – Adopting certain International Codes as the Howard County Building Code to apply to the design, construction, alteration, improvement, or modification of a building, structure, or other equipment; adopting certain local amendments to the Building Code; adopting penalties for the violation of the Building Code

The Chairman moved to adopt Council Bill No. 66-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Council Bill No. 66-2006 as follows:

(This amendment clarifies that a permit is not required for a dish antennal structure that is exactly 3 feet in diameter.)

On page 32, in line 28 strike “LESS THAN 3” and substitute “3 FEET OR LESS”.

On page 32, in line 29, strike “FEET”.

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Bill No. 66-2006 passed.

The roll call vote called by the Chairman on the bill as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Bill No. 66-2006 passed as amended.

Council Bill No. 67-2006 – Introduced by Guy Guzzone - Establishing a County property tax credit for certain residential qualifying energy conservation devices under certain conditions; setting an annual cap; establishing the terms, conditions, and duration of the credit; providing for an application procedure and administration of the credits

The Chairman moved to adopt Council Bill No. 67-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Council Bill No. 67-2006 as follows:

(This amendment specifies a lower limit on the property tax credit for a hot water supply system.)

On page 2, in line 6, after “\$5,000” insert “FOR A HEATING SYSTEM OR \$1,500 FOR A HOT WATER SUPPLY SYSTEM”.

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on Amendment No. 1 was: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Bill No. 67-2006 passed.

The Chairman moved to adopt Amendment No. 2 to Council Bill No. 67-2006 as follows:

(This amendment adds an effective date of Fiscal Year 2008.)

On page 3, after line 19, insert:

“(H) *EFFECTIVE DATE.* THE CREDIT AUTHORIZED BY THIS SECTION APPLIES TO TAX YEARS BEGINNING AFTER JUNE 30, 2007.”

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on Amendment No. 2 was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 2 to Council Bill No. 67-2006 passed.

The roll call vote called by the Chairman on the bill as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Bill No. 67-2006 passed as amended.

Council Bill No. 68-2006 – Introduced by Christopher J. Merdon and Charles C. Feaga -

Establishing a tax credit for certain senior citizens under certain conditions; establishing the terms, conditions, and duration of the credit; providing for an application procedure and administration of the credit; providing for the affect of the credit on deferred taxes

Council Member Ball moved to table Council Bill No. 68-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by Council Member Ball to table the bill was: Yea: Council Members Ball, Guzzone and Ulman; Nay: Council Members Merdon and Feaga.

The motion to table Council Bill No. 68-2006 passed.

Council Bill No. 69-2006 - Introduced by Charles C. Feaga - Amending the Howard County Cable Television Systems Franchise Act creating a secondary cable franchise classification to enable developers to serve new communities with cable services designed specifically for those communities

The Chairman moved to adopt Council Bill No. 69-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Council Bill No. 69-2006 as follows:

(This amendment eliminates mandatory cable fees and requires open competition within a secondary franchise area).

On page 3, after line 20, insert:

“(D) A SECONDARY FRANCHISEE MAY NOT EXECUTE A CONTRACT WITH A DEVELOPER, HOMEOWNER'S ASSOCIATION OR COUNCIL OF UNIT OWNERS OF A CONDOMINIUM REGIME OR OTHERWISE CAUSE A COVENANT TO BE PUT INTO EFFECT THAT REQUIRES A PURCHASER OF A LOT OR A UNIT IN THE DEVELOPMENT WITHIN THE SECONDARY FRANCHISE AREA TO PAY A CABLE FEE AS PART OF A COVENANTED HOMEOWNER'S OR UNIT OWNER'S MANDATORY ASSESSMENT. ANY SUCH COVENANTED ASSESSMENT

EXISTING PRIOR TO A COUNTY COUNCIL HEARING ON A SECONDARY FRANCHISE APPLICATION SHALL BE REVOKED PRIOR TO COUNTY COUNCIL CONSIDERATION OF THE SECONDARY FRANCHISE APPLICATION.

ALL SECONDARY FRANCHISE AREAS SHALL BE OPEN TO COMPETING CABLE OPERATORS. INDIVIDUAL SUBSCRIBERS WITHIN A SECONDARY FRANCHISE AREA MAY DIRECTLY CONTRACT WITH THE CABLE OPERATOR OF HIS CHOICE.”.

Renumber the remainder of the section accordingly.

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Bill No. 68-2006 passed.

The Chairman moved to confirm that Amendment No. 1 to Council Bill No. 69-2006 is substantive. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the motion was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

The motion to confirm Council Bill No. 69-2006 as substantive passed.

Council Member Guy Guzzone moved to table Council Bill No. 69-2006 as amended. His motion was seconded by Mr. Ulman.

The roll call vote called by the Chairman on the motion was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

The motion to table Council Bill No. 69-2006 as amended passed.

Council Bill No. 70-2006 - Adopting the 2006 edition of the National Standard Plumbing Code Illustrated and the National Fuel Gas Code (NFPA 54-2006), as the Plumbing and Gasfitting Code for Howard County in order to protect the public health and safety by setting forth criteria for the design and installation of plumbing and gasfitting systems; adopting local amendments to the Plumbing and Gasfitting code; making certain technical corrections

The Chairman moved to adopt Council Bill No. 70-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Council Bill No. 70-2006 as follows:

(This amendment makes certain technical corrections to correct the name of a section and to ensure that a provision of the adopted code is not inadvertently deleted.)

On page 3, in line 3, strike “**REQUIRED**”.

On page 7, strike lines 28 and 29 in their entirety and renumber the remainder of the section accordingly.

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Bill No. 70-2006 passed.

The roll call vote called by the Chairman on the bill as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Bill No. 70-2006 passed as amended.

Council Bill No. 73-2006 - To incorporate into the Metropolitan District a parcel of real property owned by Nicholas B. Mangione and Mary Mangione, located in Mariottsville, Maryland

The Chairman moved to table Council Bill No. 73-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the motion was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

The motion to table Council Bill No. 73-2006 passed.

Council Bill No. 74-2006 – Adding that members of the Howard County Revenue Authority are required to provide statements of financial interests

The Chairman moved to adopt Council Bill No. 74-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Council Bill No. 74-2006 as follows:

(This amendment makes a technical correction to clarify the boards and commissions for which members are required to file financial disclosure statements.)

On page 1, in line 24, after “authority”, insert “BOARD”.

On page 1, in line 26, after “Authority” insert “BOARD”.

On page 1, in line 29, after “AUTHORITY” insert “BOARD”.

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Bill No. 74-2006 passed.

The roll call vote called by the Chairman on the bill as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Bill No. 74-2006 passed as amended.

Council Bill No. 75-2006 – Introduced by Calvin Ball - amending the Articles of Organization of the Howard County Housing Commission and amending the standards for the types of Howard County Housing Commission housing developments that may be considered a government use for zoning purposes.

The Chairman moved to withdraw Council Bill No. 75-2006. His motion was seconded by Mr. Ball.

The roll call vote called by the Chairman on the motion was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

The motion to withdraw Council Bill No. 75-2006 passed.

Council Resolution No. 108-2006 – Introduced by The Chairman at the request of COPT Development and Construction Services, LLC - To close a portion of Riverwood Drive, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code

The Chairman moved to adopt Council Resolution No. 108-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the resolution was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 108-2006 passed.

Council Resolution No. 110-2006 – Introduced by Charles C. Feaga, Councilman - Approving a Special Amendment to the Howard County Master Plan for Water and Sewerage

The Chairman moved to adopt Council Resolution No. 110-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the resolution was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 110-2006 passed.

Council Resolution No. 111-2006 – Introduced by Christopher J. Merdon - Urging the Howard County Board of Education to name the new northeastern elementary school the "Veterans Elementary School"

The Chairman moved to adopt Council Resolution No. 111-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the resolution was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 111-2006 passed.

Council Resolution No. 122-2006 - Pursuant to Section 4.201 of the Howard County Code declaring that portions of open space lots conveyed to Howard County, Maryland are no longer needed by the County for public purposes if the County receives replacement open space; authorizing the County Executive to dispose of the property to Maple Lawn Farms I, LLC

The Chairman moved to adopt Council Resolution No. 122-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the resolution was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 122-2006 passed.

Council Resolution No. 123-2006 – Pursuant to Section 16.301 of the Howard County Code granting a variance from the front building and use restriction lines at the location for the new West Friendship Volunteer Fire Station, 12535 Old Frederick Road, Sykesville MD 21784

The Chairman moved to adopt Council Resolution No. 123-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the resolution was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 123-2006 passed.

ADJOURNMENT

The Chairman adjourned the legislative session at 8:03 p.m.

TABLED LEGISLATION

Council Bill No. 68-2006 – Introduced by Christopher J. Merdon and Charles C. Feaga - Establishing a tax credit for certain senior citizens under certain conditions; establishing the terms, conditions, and duration of the credit; providing for an application procedure and administration of the credit; providing for the affect of the credit on deferred taxes
(Tabled 10/03/06)

Council Bill No. 69-2006 - Introduced by Charles C. Feaga - Amending the Howard County Cable Television Systems Franchise Act creating a secondary cable franchise classification to enable developers to serve new communities with cable services designed specifically for those communities
(Substantively amended and tabled 10/03/06)

Council Bill No. 73-2006 - To incorporate into the Metropolitan District a parcel of real property owned by Nicholas B. Mangione and Mary Mangione, located in Mariottsville, Maryland
(Tabled 10/03/06)
